

REMARKS

The Office Action mailed June 5, 2006 has been received and reviewed. Claims 1-4 stand rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,758,215 to Begum, and Claims 8-11 stand rejected under 35 U.S.C. §103(a) as allegedly obvious in view of U.S. Patent No. 6,758,215 to Begum. (Claims 5 and 6 appear to also be rejected under 35 U.S.C. §102(e), but are not mentioned in Paragraph No. 3 of the Office Action; and Claim 7 does not appear to be addressed at all by the Office Action). Applicant respectfully traverses these grounds of rejection and requests reconsideration.

Submitted herewith is a Declaration of the inventor, Eoin J.P. Callan, under 37 C.F.R. §1.131. This Declaration establishes conception and reduction to practice prior to the effective date of the Begum '215 reference. The Declaration also establishes prior conception and diligence from before the effective date of the Begum '215 reference continuing through the filing date of the present application. Accordingly, the Begum '215 reference is not prior art under 35 U.S.C. § 102(e).

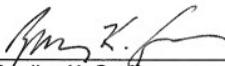
Additionally, the Begum '215 reference fails to disclose or suggest every limitation of Applicant's presently claimed invention. For example, Begum's reference to "amusing or informative graphics" at Column 2, lines 40-45 does not disclose or suggest the claimed graphical depiction of a "national flag" (Claim 5), or the claimed graphical depiction of a "smiling face" (Claim 6). And no reference whatsoever has been identified and applied to the claimed display of "information regarding a pharmaceutical product" (Claim 7).

The Examiner has acknowledged that Begum fails to disclose "providing information regarding specified characteristics of the wearer in the at least one display of the mask," as recited in Claim 8, but asserts that it would have been obvious to modify Begum in this manner. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974); M.P.E.P. §2143.03. But no reference has been cited

supporting the proposed modification of the Begum reference, nor is there any statement of reliance on common knowledge or identification of well-known art capable of instant and unquestionable demonstration, as would be required under M.P.E.P. §2144.03 to support such a rejection. As such, other than improper hindsight reconstruction based on the Applicant's teaching, there would have been no suggestion or motivation for one of ordinary skill in the art to modify Begum in the manner proposed.

In view of the above comments, it is believed that all grounds of rejection are overcome and that the application is in full condition for allowance. Accordingly, Applicant earnestly solicits early and favorable action. Should there be any further questions or reservations, the Examiner is urged to telephone Applicant's undersigned attorney at (770) 984-2300.

Respectfully submitted,



Bradley K. Groff
Reg. No. 39,695

Customer No. 23506
GARDNER GROFF SANTOS & GREENWALD, PC
2018 Powers Ferry Road
Parkwood Point, Suite 800
Atlanta, Georgia 30339
Tel: (770) 984-2300
Fax: (770) 984-0098